

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI**

**v.  
KALVIN M. LOYD**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD71692

DATE: December 21, 2010

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Appeal From:

Jackson County Circuit Court  
The Honorable Peggy Stevens McGraw, Judge

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Appellate Judges:

Division Four: Lisa White Hardwick, Chief Judge, Presiding, Alok Ahuja and Gary D. Witt,  
Judges

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Attorneys:

Meghan A. Litecky, Kansas City, MO, for respondent.

Frederick J. Ernst, Kansas City, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,**

**RESPONDENT,**

**v.**

**KALVIN M. LOYD,**

**APPELLANT.**

No. WD71692

Jackson County

Before Division Four Judges: Lisa White Hardwick, Chief Judge, Presiding, Alok Ahuja and Gary D. Witt, Judges

After a jury trial, Calvin Loyd was convicted of driving while intoxicated, Section 577.010, and driving while revoked, Section 302.321. At trial, the State presented evidence that on August 25, 2008, after leaving the Isle of Capri casino in Kansas City, Missouri, with his wife at approximately 2:00 a.m., Loyd drove his vehicle while intoxicated and while his license was revoked.

**REVERSED AND REMANDED.**

**Division Four holds:**

Loyd argues that the trial court erred in overruling his motion to suppress evidence because the officer did not have reasonable suspicion or probable cause to stop Mr. Loyd's car. The Fourth Amendment to the United States Constitution guarantees that individuals will not be subject to unreasonable searches or seizures. Here, Loyd argues that the officer in question that initiated the traffic stop did not have probable cause to believe that Loyd had violated a statute or traffic ordinance, and thus any seizure by the police was inherently unreasonable. We agree.

At the suppression hearing, the State argued that Loyd had committed three different traffic violations, each of which gave the officer probable cause to stop Loyd's vehicle. The three alleged violations were: (1) failure to signal when turning out of a private parking lot onto a city street, (2) touching the center line of the street with his tires, and (3) failure to turn into the nearest lane. After analyzing these three different alleged traffic violations in turn, we find that the State failed to meet its burden of proof in order to demonstrate that the traffic stop was a justifiable seizure pursuant to the Fourth Amendment. Absent probable cause for the stop, all subsequent evidence should have been suppressed. Without this evidence, there is no way the State could make a submissible case. We find the ruling of the trial court resulted in a manifest injustice. Therefore, we conclude that the trial court erred in failing to grant Loyd's motion to suppress.

The judgment of the trial court convicting Loyd of driving while intoxicated and driving while revoked is reversed, and the case is remanded to the trial court for further proceedings consistent with this opinion.

**Opinion by Gary D. Witt, Judge**

December 21, 2010

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